

REMARKS

Claims 1-13 are pending in this application. Claims 1-13 stand rejected. In light of the remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

The Abstract has been objected to for being greater than 150 words. Applicant has amended the abstract. As such, acceptance of the revised abstract is requested.

Applicant includes herewith a PTO-SB08 filed on April 24, 2003. Applicant requests that the Examiner acknowledge receipt of the IDS and initial the references.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,295,140 ("Crisler"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Among the limitations of independent claim 1 not present in the cited reference is “a periodic processing time band during which communication is periodically conducted ... and a non-periodical processing time band during which communication is non-periodically conducted.”

The Office Action asserts that the time division multiplexed communication disclosed in Crisler anticipates Applicant’s invention. However, in Crisler, the communication resource is subdivided into a plurality of time slots. These time slots are then further subdivided. The further subdivision is on a non-periodic basis into a number of time slots. The Office Action asserts that the non-divided time slots are Applicant’s periodic processing during which communication is periodically conducted and the further subdivided time slots are Applicant’s non-periodical processing time during which communication is non-periodically conducted. However, this is incorrect.

In Crisler, the time slots during which communication takes place are reserved for use by the communication units for the exchange of information packets. Further, the time slots are divided on a non-periodic basis into sub-slots. However, this does not disclose the periodic and non-periodic communication recited in Applicant’s claim.

According to Applicant’s claim, the periodic communication relates to communication that occurs between each of the plurality of communication terminals and a data bus control apparatus. Further, the non-periodic communication relates to communication that occurs between one of the plurality of communication terminals and the data bus control apparatus at a time other than

the periodic time. This feature is not present in the Crisler reference. As such, claim 1 is allowable over the Crisler reference.

Claims 2-6 depend either directly or indirectly from, and contain all the limitations of claim 1. These dependent claims also recite additional limitations which, in combination with the limitations of claim 1, are neither disclosed nor suggested by Crisler and are also believed to be directed towards the patentable subject matter. Thus, claims 2-6 should also be allowed.

Claims 2-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Crisler in view of U.S. Patent No. 5,297,144 (“Gilbert”).

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicant.

Crisler was not included to disclose the above-recited limitation but to show additional limitations which, even if it were to show does not cure the deficiencies discussed above. As such, claims 2-13 are allowable over the combination.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

By 

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